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From: William C. Geary III

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RECIPIENT	COMPANY	FAX NO.	PHONE NO.
Examiner MIKE PEFFLEY	USPTO	703-872-9306	

COMMENTS:

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Dated: December 6, 2004 Signature:

(William C. Geary III)

In re Application of: Albert S. Lee et al.

Application No.: 09/824,625

Filed: April 2, 2001

For: METHODS AND APPARATUS FOR
THERMALLY AFFECTING TISSUES

Notice of Allowance

Dated: October 4, 2004

Group Art Unit: 3739

Examiner: M. F. Peffley

Please see the attached Communication together with a copy of a previously submitted Information Disclosure Statement and a return postcard date-stamped by the United States Patent and Trademark Office for the above referenced patent application.

STATEMENT OF CONFIDENTIALITY

The documents included with this facsimile transmittal sheet contain information from the law firm of Nutter McClellan & Fish LLP which is confidential and/or privileged. The information is intended to be for the use of the addressee named on this transmittal sheet. If you are not the addressee, note that any disclosure, photocopying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone (collect) immediately so that we can arrange for the retrieval of the original documents at no cost to you.

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Client-Matter No. 22727-66

Nutter McClellan & Fish LLP ■ Attorneys at Law

Certificate of Facsimile Transmission (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited via Facsimile No. 703-872-9306, to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date set forth below.

Dated: December 6, 2004 Signature: 
(William C. Geary III)

Docket No.: 022727-0066

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Albert S. Lee et al.

Application No.: 09/824,625

Filed: April 2, 2001

For: METHODS AND APPARATUS FOR
THERMALLY AFFECTING TISSUES

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Dated: October 4, 2004 RECEIVED

CENTRAL FAX CENTER

Group Art Unit: 3739

DEC 06 2004

Examiner: M. F. Peffley

COMMUNICATION

Attn: Examiner M. Peffley
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request that the Examiner acknowledge that the references cited in the Information Disclosure Statement (IDS) filed on January 9, 2001 were considered during prosecution of the above-referenced patent application and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom. A copy of the IDS, PTO/SB/08A (2 pages) as filed on January 9, 2002 and the return postcard date-stamped by the U.S. Patent and Trademark Office is enclosed for the Examiner's convenience.

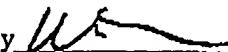
Pursuant to a telephone conversation today between the Examiner and the undersigned Attorney, Applicants respectfully request that the Examiner fax a copy of the initialed 1449 form to the undersigned attorney for Applicant.

Please call the undersigned attorney with any questions.

Date: December 6, 2004

Respectfully submitted,

NUTTER MCCLENNEN & FISH LLP
World Trade Center West
155 Seaport Boulevard
Boston, Massachusetts 02210-2604

By 
William C. Geary III
Registration No.: 31,359
Attorney for Applicant

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PAGE 27 * RCVD AT 12/6/2004 3:25:06 PM [Eastern Standard Time] * SVR:USPTO-EXRF-13 * DNIS:8729306 * CSID:01116173109000 * DURATION (mm:ss):02-08

Atty Docket No.: 22727-66

Inventor: Albert S. Lee et al.

Application No.: 09/824,625-8907 Filing Date: April 2, 2001

Title: Methods and Apparatus For Thermally Affecting Tissue

The following, DUE _____ in the U.S.PTO, was received in Mail Room on the date stamped hereon:

Documents Filed:

Inf. Disc. Statement, PTO Form PTO/SB/08 and a copy of the 16 References Cited Therein

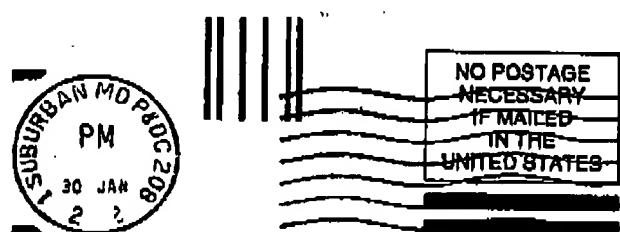
Copy of International Search Report

Cert. of Mailing under 37 CFR 1.8 (a)

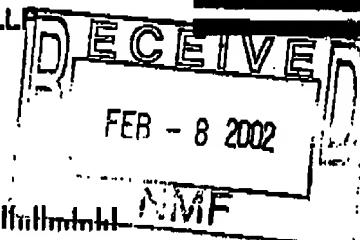


Sender's Initials: HAN/pef

Date: January 9, 2001

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PO BOX 1400
BOSTON MA 02205-8960

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: 1-7-02Signature: Herbert A. Newbom
(Herbert A. Newbom)Docket No.: 022727-0086
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Albert S. Lee, et al.

Application No.: 09/824,625-8907

Filed: April 2, 2001

For: METHODS AND APPARATUS FOR
THERMALLY AFFECTING TISSUE

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DEC 06 2004

Group Art Unit: 3762

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for
Patents
Washington, DC 20231

Dear Sir:

Pursuant to 37 CFR 1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned.

A copy of an International Search Report and a copy of each reference on PTO/SB/08 is attached.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56, it is not intended to constitute an

Application No. 09/824,625-8907

2

Docket No. 022727-0066

admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 022727-0066. A duplicate copy of this paper is enclosed.

Dated: Jan. 9, 2002

Respectfully submitted,

By Herbert A. Newborn
Herbert A. Newborn
Registration No.: 42,031
NUTTER, MCCLENNEN & FISH, LLP
One International Place
Boston, Massachusetts 02110-2699
(617) 439-2407
Attorneys for Applicant

1022852.1

Please type a plus sign (+) inside this box PTO/SB/08B (08-00)
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Substitute for form 1469A/PTO				Complete If Known	
				Application Number	09/824,625-8907
				Filing Date	April 2, 2001
				First Named Inventor	Albert S. Lee
				Group Art Unit	3762
				Examiner Name	Not Yet Assigned
Sheet	1	of	2	Attorney Docket Number	022727-0066

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document Number	Kind Code ³ (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
A	3,820,414			Bowland	05-16-1987
B	3,804,874			Swenson et al	04-07-1980
C	3,795,936			Basilis et al	08-05-1973
D	3,776,241			Magilton et al	12-04-1973
E	3,897,780			Magilton et al	08-06-1976
F	4,207,897			Lloyd et al	08-17-1980
G	4,781,193			Pagden et al.	11-01-1988
H	5,207,674			Hamilton	05-04-1993
I	5,304,214			Deford et al	04-18-1994
J	5,308,319			Saito et al	01-10-1995
K	5,429,582			Williams	07-04-1995
L	5,474,533			Ward et al	12-12-1995
M	5,531,776			Ward et al	07-02-1996
N	5,540,711			Kieturakis et al	07-30-1996
O	5,607,443			Kieturakis et al	03-04-1997
P	5,811,767			Williams	09-18-1997
Q	5,824,392			Saab	04-29-1997
R	5,843,207			Rise	07-01-1997
S	5,716,386			Ward et al	02-10-1998
T	5,730,756			Kieturakis et al	03-24-2001
U	5,772,680			Kieturakis et al	06-30-1998
V	5,817,123			Kieturakis et al	10-06-1998
W	5,871,498			Jervis et al	02-16-1999
X	5,916,212			Beust et al	06-29-1999
Y	5,916,242			Schwartz	06-29-1999
Z	5,957,963			Dobak, III	09-28-1999
AA	6,004,337			Kieturakis et al	12-21-1999
AB	6,015,352			Zwart et al	01-18-2000
AC	6,015,421			Echeverry et al	01-18-2000
AD	6,022,308			Williams	02-08-2000
AE	6,045,532			Eggers et al	04-04-2000
AF	6,051,019			Dobak, III	04-18-2000
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AH	6,083,148			Williams	07-04-2000
AI	6,096,068			Dobak, III et al.	08-01-2000
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AN	6,238,428 B1			Werneth et al.	05-29-2001
AO	6,251,129 B1			Dobak, III et al.	06-26-2001
AP	6,251,130 B1			Dobak, III et al	06-26-2001

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PTO/SB/088 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office: U. S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		Application Number	09/824,825-8907
(use as many sheets as necessary)		Filing Date	April 2, 2001
Sheet 2 of 2		First Named Inventor	Albert S. Lee
		Group Art Unit	3782
		Examiner Name	Not Yet Assigned
		Attorney Docket Number	022727-0068

FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No. ¹	Foreign Patent Document Country Code ² - Number ³ - Kind Code ⁴ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
AQ	WO 99/34758		07/15/1999	Lesser et al.	T ⁵

¹Applicant's unique citation designation number (optional). ²See attached Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard 87.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the application number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard 87.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ⁶
	AR	Fay, T. "Early Experiences with Local and Generalized Refrigeration of the Human Brain," <i>J. Neurosurg.</i> , 16:239-60(1969).			
	AS	Connolly, J.E., et al., "The Protective Effect of Hypothermia in Cerebral Ischemia: Experimental and Clinical Application by Selective Brain Cooling in the Human," <i>Surgery</i> , 1:15-24(1962).			
	AT	Kindt, G.W. and Youmans, J.R., "Regional Hypothermia Produced by Cooling the Blood within the Intact Artery," <i>Surgical Forum</i> , 17:408-7(1966).			
	AU	Locke, G.E., et al., "Profound Selective Arterial Cooling of Brain without Pump or Oxygenator," <i>Surgical Forum</i> , 16:421-22 (1965).			
	AV	Negrin, J., "The Hypothermostat: An Instrument to Obtain Local Hypothermia of the Brain or Spinal Cord," <i>International Surgery</i> , 54(2):93-108(1970, Aug).			

Examiner Signature	Date Considered
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¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

²Unique citation designation number. ³Applicant is to place a check mark here if English language Translation is attached.